IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 509 OF 2006

M/s Sunrise Zinc Ltd.,
a company incorporated
under the Companies Act,
1956 and having its
registered office at L-2
and 3, Cuncolim Industrial
Estate, Cuncolim-Goa. ... Petitioner

versus

1. Goa State Pollution Control
   Board, through its Member
   Secretary, having office at
   Dempo Towers, EDC Plaza,
   Patto, Panaji-Goa.

2. The Collector,
   South Goa District,
   Margao-Goa. ... Respondents

Mr. V. B. Nadkarni, Senior Advocate with Mr. Y. V. Nadkarni, Advocate for the Petitioner.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. J. Godinho, Advocate for the Respondent No.1.

Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for the Respondent No.2.

CORAM : DR. S. RADHAKRISHNAN &
N. A. BRITTO, JJ.

DATE : 17TH OCTOBER, 2006.

ORAL JUDGMENT(Per DR. S. RADHAKRISHNAN, J.)

1. Rule. Rule made returnable forthwith by consent. Taken up for final hearing.

2. Heard the learned Senior Counsel for the Petitioner, the learned Senior Counsel for the Respondent No.1/Goa State Pollution Control Board and the learned Advocate General for the Respondent No.2. The learned Senior Counsel for the Respondent No.1/Goa State Pollution Control Board states that the Board will issue a corrigendum to the Order dated 6-10-2006 which is at Exh. A to the petition clarifying that the Order will only ensure that the plant operations are totally suspended and as far as sealing is concerned the same will be lifted. The corrigendum will be issued latest by tomorrow. In view of the above statement, the learned Advocate General states that the Collector of South Goa will remove the seals put up at the

Industrial Unit. It is made clear that the Electricity and Water Supply will continue to remain disconnected.

3. The learned Senior Counsel for the Petitioner assures that the respective Director of operation of the Industrial Unit will personally file an undertaking in this Court within a week that the Unit will not be in operation until further orders and that the Industrial Unit will not operate without the leave of this Court. If the undertaking is not filed within a week the Collector of South Goa will be at liberty to re-seal the Unit again.

4. By this petition, the Petitioner has challenged only the Order dated 6-10-2006 which is at Exh. A. Further, there is another Order dated 6-10-2006 which is at Exh. B, which is not challenged in this petition. Liberty has already been given in our Order dated 10-10-2006, to challenge the same.

5. Rule is accordingly made absolute.

DR. S. RADHAKRISHNAN, J.

N. A. BRITTO, J.

RD